

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS	:	MDL DOCKET No. 875
LIABILITY LITIGATION (No.VI)	:	(MARDOC)
	:	
CERTAIN PLAINTIFFS	:	
	:	CIVIL ACTION NO.
v.	:	2:02-md-875 and all GROUP 1 cases
	:	
CERTAIN DEFENDANTS	:	

ORDER

And now, this 20th day of December, 2012, after considering the parties' submissions on the question of a briefing schedule on the dispositive and expert motions currently pending in Group 1, it is hereby ORDERED:

1. Plaintiffs' response briefs shall be due as follows:

<u>SUBJECT MATTER</u>	<u>DEADLINE</u>
<u>Daubert</u> /in limine on "each and every exposure" opinion	12/28/12
Corporate dissolution of a defendant	12/28/12
Improper means of service	12/28/12
Judicial estoppel (plaintiff's bankruptcy filing)	1/4/13
Punitive damages	1/4/13
Bareboat charter or General Agency Agreement	1/4/13
Suit improperly filed by deceased person	1/18/13
Non-pulmonary cancers (dispositive and <u>Daubert</u>)	2/1/13
Statute of limitations	2/1/13
Shipowner motion for no IDF/evidence plaintiff was on ship	2/1/13

Shipowner motion for lack of Jones Act beneficiary

2/1/13

Shipowner or manufacturer motion for lack of sufficient evidence of causation, product identification, or exposure, or government contractor defense

2/15/13

2. On each of the above deadlines, Plaintiffs shall submit a letter to Judge Robreno with copy to counsel identifying the briefs they have filed by case and ECF Doc. No., the general topic addressed, and the case and ECF No(s). of all motion(s) to which each brief corresponds. Counsel are reminded that all such lists are to be in chronological order by E.D. Pa. docket number. See A.O. 25 (MARDOC) ¶ 4.a.

3. Plaintiffs are permitted to file a single omnibus response to one or more defendants' motions on multiple cases raising a single legal issue (e.g., admissibility of "each and every exposure" opinion, admissibility of opinion as to non-pulmonary cancers and summary judgment as to same, adequacy of means of service of process, availability of punitive damages in Jones Act or maritime cases). As to issues that depend on facts particular to a defendant, there must be a separate response as to each defendant; however plaintiffs may address multiple plaintiffs' cases in a single brief (e.g., corporate dissolution). As to issues which depend on facts particular to a plaintiff, there must be a separate response as to each plaintiff; however plaintiffs may combine their response as to multiple defendants raising a similar challenge as to that plaintiff (e.g., lack of evidence as to product identification, exposure or causation, statute of limitations, lack of Jones Act beneficiary, bankruptcy/estoppel, inadequate beneficiary, suit by deceased plaintiff).

4. Defendants are not required to but may file reply briefs which shall be due no later than 30 days after the above deadlines.

5. Deadlines for briefing on shipowner defendants' personal jurisdiction motions shall be addressed in a later order, although the parties shall keep in mind that responses to at least some of these motions will be due February 1, 2013. Counsel involved in such motions shall confer with each other, with Mr. Lyding's assistance as necessary, and identify for Judge Hey no later than January 2, 2013, the defendants who have filed such motions for whom plaintiffs requested a Rule 30(b)(6) deposition and the date on which the deposition took place or is scheduled to take place, as well as identify the moving defendants for whom plaintiffs did not request a Rule 30(b)(6) deposition.

6. Plaintiffs need not respond to any motions filed on cases in Groups 2-7 at this time.

BY THE COURT:

/s/ELIZABETH T. HEY

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE